

REMARKS

This is in response to the Office Action January 28, 2008. In the Office Action, all pending claims 1-21 were rejected. No claim Amendments have been made in this Response After Final. Applicants respectfully request reconsideration and allowance of all pending claims.

On page 2 of the Office Action, claims 1-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bertness et al., U.S. Patent No. 6,104,167 in view of Tran, U.S. Publication No. 2003/0008202, and further in view of Tseng, U.S. Patent No. 5,563,491.

To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

The above requirement for a conclusion of obviousness is not met in the rejection of claims 1-21 under 35 U.S.C. §103(a) based upon the cited references.

As acknowledged in the Office Action, Bertness teaches a battery charger, which is a single device with no accompanying external device. Further, Tran teaches a single communication device 10, which reports on the capacity of its own battery 48 and not a separate battery. Thus, in addition to not showing the invention of claim 1, Bertness and Tran do not expressly or impliedly suggest the invention of claim 1.

Tseng’s device is a combined parking meter and an electric-vehicle battery charger, which directly connects to, and therefore depends on, a vehicle in which the battery is used. Specifically, column 3, lines 12-16, state the following about Tseng’s device having to charge the battery through a connection to an electrical vehicle that includes the battery.

Each side includes a power cable 120 or 120' which becomes detached, in turn allowing connector 122 to become available for connection to an electric vehicle upon payment or credit received. Cables 120 and 120' are preferably contained within a flexible metal sheath to protect against damage and vandalism.

At the top of page 6, the Office Action notes that, in the cited references, “the battery charging and notification system are also capable of operating independently.” However, the Office Action is silent about the specific claim 1 requirement of “the battery charging and notification system” to operate “independently of any device in which the battery may be used.” For reasons provided above, Tseng’s device would not be able to charge the battery independently of the electric vehicle.

Further, the examiner has provided no convincing line of reasoning as to why the artisan would have found the invention of claim 1 to have been obvious in light of the teachings of Bertness and Tran, which include nothing about “an external device having an alarm configured to notify a user upon receipt of the transmitted signal from the communication circuitry, wherein the external device and the battery to which the charging signal is provided are separate from each other so as not to be physically coupled,” and Tseng that includes nothing about a “battery charging and notification system” that operates “independently of any device in which the battery may be used.”

Based on the foregoing, Applicants respectfully submit that claim 1 is non-obvious, and therefore allowable, over the cited references.

Independent claim 12 has elements similar to that of independent claim 1. Thus, for the same reasons as independent claim 1, Applicants submit that independent claim 12 is allowable as well. Moreover, Applicants respectfully submit that the dependent claims are also allowable by virtue of their dependency, either directly or indirectly, from the allowable independent claims. Further, the dependent claims when read in combination with the independent claims, set forth configurations not shown or suggested in the references.

In view of the foregoing amendments and remarks, claims 1-21 are in form for allowance. Reconsideration and allowance of the claims is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,
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